

to address in EAJA order), *Brown v. Astrue*, 2008 WL 822267 *2 (10th Cir. March 27, 2008) (assignment of right in fee award to counsel does not overcome the clear EAJA mandate that the award is to the client as prevailing party).¹ If attorney fees are also awarded and received by counsel under 42 U.S.C. § 406(b) of the Social Security Act, counsel shall refund the smaller award to Plaintiff pursuant to *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986).

Plaintiff's Application for Attorney's Fees and Expenses Under the Equal Access to Justice Act [Dkt. 27] is GRANTED as provided herein.

SO ORDERED this 1st day of April, 2009.


FRANK H. McCARTHY
UNITED STATES MAGISTRATE JUDGE

¹ The Court issued an identical ruling in a previous case in which Michael D. Clay requested that EAJA fees be paid directly to him pursuant to a fee assignment. [Case No. 07-cv-74-FHM, Dkt. 27].